**REMARKS**

Claims 1-17 are pending in the instant application. Claims 1-17 have been subjected to a Restriction Requirement as follows:

Groups 1-164, claims 1-5, 7-9, 15 (in part) and 17 (in part),drawn to each of nucleic acid SEQ ID NO:s 1-164, vector, host cells, kit vaccine comprising the nucleic acid, classified in class 536, subclass 23.1 and others;

Groups 165-328, claim 6, drawn to method of using SEQ ID NO: 1-164 for detection of lung specific nucleic acid, classified in class 435, subclass 6;

Groups 329-492, claims 10, 11, 15 (in part), and 17 (in part) drawn to polypeptides encoded by SEQ ID NO:1-164 and vaccine comprising polypeptides, classified in class 530, subclass 350, and others;

Groups 493-656, claim 12, drawn to an antibody which specifically binds to each of the proteins encoded by SEQ ID NO:1-164, classified in class 530, subclass 387.1;

Groups 657-820, claim 13, drawn to a method for determining a lung specific protein using each of the antibodies capable of binding to the protein encoded by SEQ ID NO:1-164, classified in class 435, subclass 7.1;

Groups 821-984, claim 14 (in part), drawn to a method of

diagnosing and monitoring lung cancer using each of SEQ ID NO:1-164, classified in class 435, subclass 6.1;

Groups 985-1148, claim 14 (in part), drawn to a method of diagnosing and monitoring lung cancer using each of the proteins encoded by SEQ ID NO:1-164, classified in class 435, subclass 7.23; and

Groups 1149-1312, claim 16, drawn to a method of treating lung cancer by administering each of the antibodies produced by the proteins encoded by SEQ ID NO:s 1-164, classified in class 424, subclass 130.1.

The Examiner suggests that the Groups are distinct, each from the other, because they are unrelated, meaning that they are not disclosed as capable of use together and they have different modes of operation, different functions or different effects.

Applicants respectfully traverse this restriction requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected nucleic acid, polypeptide or antibody would also reveal any

references teaching uses for the nucleic acid, polypeptide or antibody. Accordingly, Applicants believe that searching of all the claims, at least when limited to elected nucleic acids or polypeptides, is overlapping and would not place an undue burden on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

In addition, with respect to the restriction to a single sequence, MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a single application. Accordingly, withdrawal of this sequence election requirement and reconsideration to include a more reasonable number of at least 10 sequences in accordance with MPEP § 803.04 is also respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect to prosecute Group 100, claims 1-5, 7-9, and 15 (in part) and 17 (in part) relating to SEQ ID NO:100 and a protein encoded thereby, with traverse.

Attorney Docket No.: DEX-0291
Inventors: Macinaa et al.
Serial No.: 09/989,920
Filing Date: November 21, 2001


Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

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Date: September 27, 2004

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